

**REMARKS**

Claims 1, 2, 6-17, 19-21 and 23-26 are pending. By this Amendment, claims 1, 6, 11, 15, 19, 25 and 26 are amended, and claims 5, 18 and 22 are canceled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added. Reconsideration of the application is respectfully requested.

Applicants note with appreciation the indication of allowable subject matter in claims 5, 6, 11, 12, 18, 19, 23 and 26. By this Amendment, claims 5 and 18 are canceled, and claims 1 and 15 are amended to incorporate the allowable subject matter of canceled claims 5 and 18, respectively. Therefore, claims 1 and 15 are allowable. Claim 11 is rewritten in independent form. Therefore, claim 11 is allowed.

Claims 6 and 19 are amended to correct their dependency, and claim 26 is amended to correct an informality.

The Office Action rejects claims 1, 2, 13-17, 20-22, 24 and 25 under 35 U.S.C. §102(e) over U.S. Patent No. 6,842,412 to Ushiyama et al. (hereinafter referred to as Ushiyama). This rejection is respectfully traversed.

As discussed above, claims 1 and 15 are amended to incorporate the allowable subject matter of canceled claims 5 and 18. Therefore, claims 1 and 15 are allowable. Dependent claims 2, 13, 14, 16, 17, 20, 21 and 24 are allowable at least for their dependence on allowable base claims, as well as for the additional features they recite.

Claim 25 recites, *inter alia*, that a value of (Ph-Pm) at a high linear velocity is smaller than a value of (Ph-Pm) at a low linear velocity, and that a value of the first power level Ph at the high linear velocity is larger than a value of the first power level Ph at the low linear velocity. These features are recited in canceled claim 22 and supported by Figs. 20A-20C.

In particular, Figs. 20A-20C shows that, as the recording speed is increased, the value of the first power level Ph is also increased. Specifically, the value of the first power level Ph

becomes larger in order of Figs. 20A-20C. That is, Fig. 20A shows a low-speed recording, Fig. 20B shows a higher-speed recording, and Fig. 20C shows the highest-speed recording. The first power level Ph of Fig. 20A is smaller than the first power level Ph of Fig. 20B, and the first power level Ph of Fig. 20B is smaller than the first power level Ph of Fig. 20C (i.e., the first power level Ph of Fig. 20A < the first power level Ph of Fig. 20B < the first power level Ph of Fig. 20C).

The Examiner states on pages 2 and 3 of the Office Action that "Ushiyama discloses ... controlling the light beam to generate a multi-pulse (Fig. 1, element 15) having at least three power levels of a first power level Ph (Fig. 8, top power), a second power level Pl which is lower than the first power level (Fig. 8, bottom power), and a third power level Pm (Fig. 8, the middle power within the multi-pulse) which is intermediate therebetween (Fig. 8) ...."

However, Ushiyama shows in Fig. 8 that the recording power of the top power of the multi-pulse at radiated power of 19 m/s is smaller than the top power of the multi-phase at radiated power of 8.2 m/s (i.e., the top power at 8.2 m/s > top power at 19m/s). This is contrary to the case as shown in Figs. 20A-20C of the present application.

Accordingly, Ushiyama does not teach or suggest the feature that "a value of the first power level Ph at the high linear velocity is larger than a value of the first power level Ph at the low linear velocity" as recited in claim 25. Therefore, claim 25 is patentable over Ushiyama.

At least for the reasons discussed above, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

John A. Radi  
Registration No. 59,345

JAO:KXH/hms

Date: March 3, 2008

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

<b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--